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INTRODUCTION and SUMMARY

Community Educational Service Council, Inc. ("CESCI") is responding to the petition to deny filed by The Board of Visitors of James Madison University. The reasons stated in their petition are false and misleading, and are based upon speculation.

In the statement by Karl Johnson, he states that he made a phone call to Mr. Henry Chiles on or about May 6, 1992. In this phone call, he inquired on behalf of CESCI about use of the property owned by Mr. Chiles for a designated transmitter site. Mr. Chiles gave oral permission for use of his property as a designated site for the CESCI application.

In the statement by Peter Robinson, he states that he designated Mr. Karl Johnson as the person to contact Mr. Chiles concerning use of the Castle Rock site, located within the Crown Orchard Property limits.

In it's Petition to Deny, James Madison University accuses CESCI of plagiarism in the use of Mr. Henry Chiles (Childs) name in it's application for construction permit. CESCI was simply relying on the Commission's own license record for the proper spelling of Mr. Chiles name.

CESCI asserts by this opposition that the statements made by James Madison in it's Petition to Deny are based upon speculation, and have no basis in fact, and have been made so as to disguise the lack of merit in James Madison's own application, and to cause public embarrassment to CESCI. Therefore, the Petition to Deny should be dismissed as moot.

STATEMENT OF KARL JOHNSON

I, Karl Johnson, declare as follows:

1) I am a resident of Shannon Farm, and a person having an interest in seeing a new, locally based, non-commercial radio station being established in Crozet, Virginia, and serving the people of Crozet and the surrounding communities with a unique, new broadcast service.

2) I was asked by Peter Robinson, the ^{Treasurer (PRR)}~~Secretary~~ of CESCO, in April of 1992, to contact Mr. Henry Chiles, owner of Crown Orchard Company, in Batesville, Virginia, and inquire, on behalf of CESCO, about the availability of the "CASTLE ROCK" transmitter site, and if CESCO could designate his property in the FCC application that was being prepared at the time. I attempted to reach Mr. Chiles over a period of three days, and Mr. Chiles called me back on May 6, 1992. He apologized for not getting back to me sooner, and stated that because of the time of year, and the intensive amount

STATEMENT OF PETER ROBINSON

I, Peter Robinson, declare as follows:

- 1) I am the Treasurer of the Community Educational Service Council, Inc., and a resident of Shannon Farm.

2) I asked Mr. Karl Johnson, a person having an interest in the CESCO radio project, and also a resident of Shannon Farm, in April of 1992, to contact Mr. Henry Chiles, of the Crown Orchard Company, in Batesville, Virginia, and inquire about the use of the "Castle Rock" site as a possible location for use by CESCO for their application for a new non-commercial FM station to serve Crozet, Virginia. He agreed to this, having expressed an interest in seeing the local communities in and around Crozet have their own, locally based, non-commercial radio station.

- 3) Karl Johnson informed me that he had spoken with Mr. Chiles, and had received verbal assurance that his property would be available

RADIO STATION LICENSE

Licensee Name: **CROWN ORCHARD COMPANY**

Radio Service: **1B BUSINESS**

License Issue Date: **910710**

Call Sign: **WWT927**

File Number: **9106029946**

License Expiration Date: **960710**

Frequency Advisory No. **911200050**

Number of Mobiles by Category: Vehicular - **xx12aa** Portable - **wwwBwwAircraft - xxxxxxxMarine - xxxxxxxPagerxxxxxx**

910710W 246 1 1Z

**CROWN ORCHARD COMPANY
HENRY CHILDS
BOX 299
BATESVILLE**

VA 22924

| Station Technical Specifications | | | | | | | | | | | |
|---|--------------------------------------|---------------|--------------|---------------------|----------------------|----------------|--------------|------------------|------------------|-------------------|--|
| FCC ID | Frequencies (MHz) | Station Class | No. of Units | Emission Designator | Output Power (Watts) | E.R.P. (Watts) | Ground Plane | Ant. Hgt. To Tip | Antenna Latitude | Antenna Longitude | |
| 1: | 463.57500 | FB2 | 1 | 20K0F3E | 40.000 | 145.000 | 2374 | 120 | 37-57-00 | 078-43-38 | |
| | 463.57500 | NO | 20 | 20K0F3E | 40.000 | | | | | | |
| | 468.57500 | NO | 20 | 20K0F3E | 40.000 | | | | | | |
| TRANSMITTER STREET ADDRESS | | | | CITY | | COUNTY | | STATE | | | |
| 1: | PEAK CASTLE ROCK MOUNTAIN 2.5 MI SSE | | | | BATESVILLE | | ALBEMARLE | | VA | | |
| AREA OF OPERATION | | | | | | | | | | | |
| SITE 1: 70 MIRA 37-57-00N 078-43-38W BATESVILLE ALBEMARLE VA | | | | | | | | | | | |
| CONTROL POINTS: 1000 END OF CO RT 695 BATESVILLE VA | | | | | | | | | | | |
| CONTROL POINT PHONE: 804-823-4405 | | | | | | | | | | | |
| EMISSION DESIGNATOR(S) CONVERTED TO CONFORM TO DESIGNATOR(S) SET OUT IN PART 2 OF THE COMMISSION'S RULES. | | | | | | | | | | | |

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**FEDERAL
COMMUNICATIONS
COMMISSION**

This authorization becomes invalid and must be returned to the Commission if the station is not placed in operation within eight months, unless an extension of time has been granted. EXCEPTION: 900 MHz trunked and certain 900 MHz station licenses cancel automatically if not constructed within one year.

CONCLUSION

Community Educational Service Council, Inc. (CESCI) has made a good faith effort to secure a reasonable assurance of site availability, by way of telephonic conversation, and an informal oral agreement. CESCI considers this to be sufficient for "reasonable assurance", insofar as CESCI understands the requirements for reasonable assurance, as further defined by Elijah Broadcasting Corp., 5 FCC Rcd 5350, 5351 (1990). Therefore, the argument put forth by James Madison for denial on this point is without merit, and should be dismissed as "moot".

Further, James Madison has accused CESCI of plagiarism in it's misspelling of Mr. Henry Chiles (Childs) name in it's application for construction permit. CESCI was depending upon the Commission's license record for the correct spelling of Mr. Chiles (Childs) name. The FCC file Number is 9106029946, call letters WWWT927, issued to Crown Orchard Company, Henry Childs, Box 299, Batesville, VA. 22924. (See Attached license document).

Accordingly, Community Educational Service Council, Inc. (CESCI), requests that the Petition to Deny filed by James Madison University be rejected as moot, and the application of CESCI for a new, non-commercial broadcast station at Crozet, Virginia be accepted for consideration.

Respectfully Submitted,

Community Educational Service Council, Inc.

By: _____

Peter Robinson
Peter Robinson, Treasurer


CERTIFICATE OF SERVICE

I, Peter Robinson, hereby certify that I have this 11th day of December, 1992 caused a copy of the foregoing "Opposition to Petition to Deny" to be delivered, via First Class United States Mail, postage paid to the following:

W. Jan Gay, Esquire
Assistant Chief
Audio Services Division
Mass Media Bureau
Federal Communications Commission
Room 302
1919 M Street N.W.
Washington, D.C. 20554

✓

Richard Marks, et al
Dow, Lohnes & Albertson
1255 23rd Street, N.W.
Washington, D.C. 20037



Peter Robinson, Treasurer
Community Educational Service Council, Inc.